

June 6,, 2022

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Town Board public hearing held on June 6, 2022 held at the Oppenheim Town Hall located at 110 State Highway 331, St. Johnsville. NY 13452

Present

Cynthia Breh	--	Supervisor
Kathleen Montana	--	Councilwoman
Robert Pierce	--	Councilman
Nicholas Vasil	--	Councilman
Gloria Brys	--	Town Clerk

Absent

Robert Norris	--	Councilman
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Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

Motion made by Kathleen Montana and seconded it by Nicholas Vasil to open the public hearing on Local Law #2 of 2022.

Anyone present may speak for or against the local law.

Local Law #2 of 2022 is a law opting out of Section 487 NYS Real Property Tax Law Exemptions for Solar Energy System, Wind Energy System and Farm Waste Energy System Projects.

Mrs. Tice was present and wanted to know more about the local law.

Supervisor Breh explained that we was offered a low Pilot Program from Nexamp. She ask Nexamp to come back with new figures. We have other Solar projects who pay a lot more for the Pilot program.

The board members discussed the local law and the offer from Nexamp.

Motion made by Kathleen Montana and seconded by Nicholas Vasil to close the public hearing at 7:00 pm.

Motion by Nicholas Vasil and seconded by Kathleen Montana to accept Resolution #40 as follows:

TOWN OF OPPENHEIM  
110 Route 331  
St. Johnsville, NY 13452  
Phone: (518) 568-2837  
Fax: (518) 568-3195

June 6, 2022

Resolution #40 of 2022

**RESOLUTION ADOPTING LOCAL LAW #2 OF 2022 “OPTING OUT OF SECTION**

**487 NYS REAL PROPERTY TAX LAW EXEMPTIONS FOR SOLAR FARM PROJECTS**

Vasil Offered the following Resolution,

WHEREAS, Local Law No. 2 of 2022 “A” entitled, “OPTING OUT OF SECTION 487 NYS REAL PROPERTY TAX LAW EXEMPTIONS FOR SOLAR FARM PROJECTS “A” Opting out of Section 487 NYS Real Property Tax Law Exemptions for Solar Energy System, Wind Energy System and Farm Waste Energy System Projects” has laid upon the desks of the Town Board of the Town of Oppenheim for the required period, AND

WHEREAS, a public hearing was held on June 6, 2022, after due posting thereof and everyone who wanted to speak was heard; THEREFORE BE IT

RESOLVED, That Local Law No. 2 of the year 2022, hereinabove referenced, and introduced at The Town of Oppenheim meeting held on June 6, 2022, be and hereby is adopted; AND BE IT FURTHER

RESOLVED, That the Supervisor, acting for the Town, be authorized and empowered to do each and every thing necessary to further the purport do each and every other thing necessary to further the purport of this Resolution; AND BE IT FURTHER

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Town Attorney, NYS Secretary of State, NYS Department of Taxation and Finance, NYSERDA, Fulton County Planning Board, Administrative Officer/Clerk of the Board, NYS APA Attention:Devan Korn P.O. Box 99 - 1133 St. Rte. 86 - Raybrook, NY 12977 and to each and every other person, institution or agency which will further the purport of this Resolution. Seconded by Councilwoman Montana and adopted by the following vote:

Nicholas Vasil	Aye
Kathleen Montana	Aye
Robert Pierce	Aye
Cynthia Breh	Aye
Robert Norris	Absent

Local Law #2 of 2022 is as follows:

**TOWN OF OPPENHEIM**

**110 Route 331**

**St. Johnsville, NY 13452**

**LOCAL LAW #2 OF 2022 OPTING OUT OF SECTION 487 NYS REAL PROPERTY  
TAX LAW EXEMPTIONS FOR SOLAR ENERGY SYSTEM, WIND ENERGY SYSTEM  
AND FARM WASTE ENERGY SYSTEM PROJECTS**

Be it enacted by the Town Board of the Town of Oppenheim as follows:

**Section 1.** The purpose of this local law is to opt out of Real Property Tax Law 487 to capture tax revenues from the development of solar energy facilities and to ensure that such facilities are treated equally with other commercial properties within the town.

**Section 2.**

- A. No exemption under Real Property Tax Law 487 shall be applicable to Town of Oppenheim taxes with respect to any solar or wind energy system or farm waste energy system.
- B. No exemption under Real Property Tax Law 487 shall be applicable to the Town of Oppenheim taxes with respect to any micro-hydroelectric energy system, fuel electric generating system, micro-combined heat and power generating equipment system, or electric energy storage equipment or electric energy storage system.

**Section 3.**

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause provision or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsections, paragraph, sentence, clause, provision, or phase which shall remain in full force and effect.

**Section 4.**

To the extent that this local law is inconsistent with Real Property Tax Law 487 it shall supersede those laws.

**Section 5.**

- A. This law shall be effective immediately upon filing with the Secretary of State.
- B. In accordance with RPTL 487 (8) a., the Town shall file this local law with the Commissioner of the New York State Department of Tax and Finance and with the president of the New York State Energy Research and Development Authority

June 6, 2022 (cont)

With no further business on a motion by Kathleen Montana and seconded by Nicholas Vasil the meeting was adjourned at 7:05 p.m.

Respectfully submitted,  
Gloria J. Brys